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UNITED STATES DISTRICT COURT OF CALIFORNIA
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

VINCENT KAMYAR VAGHAR,

Plaintiff,

v.

DAVID J. KILLIAN; ANTHONY M.
MAROTTA; and ROSA COURT, LLC, a New
Jersey limited liability company,

Defendants.

Case No. C 07 4083 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING ON
DEFENDANTS' MOTION TO DISMISS
SECOND AMENDED COMPLAINT OF
PLAINTIFF VINCENT KAMYAR
VAGHAR OR, IN THE
ALTERNATIVE, TO TRANSFER
VENUE**

1 WHEREAS the above action (the "Action") was commenced on August 8, 2007 by
2 the filing of the Complaint for Breach of Contract and Demand for Jury Trial by Plaintiff Vincent
3 Kamyar Vaghar ("Vaghar");

4 WHEREAS on October 5, 2007, Defendants filed their Motion to Dismiss the
5 Second Amended Complaint or, in the Alternative, to Transfer Venue (the "Motion");

6 WHEREAS hearing upon the Motion was initially set for November 16, 2007
7 before this Court;

8 WHEREAS on November 14, 2007, this Court vacated the hearing upon
9 Defendants' Motion;

10 WHEREAS on July 3, 2008, this Court entered the order setting Defendants'
11 Motion for hearing on July 18, 2008 at 9:00 a.m.;

12 WHEREAS on July 17, 2008, this Court granted Defendants' *ex parte* application
13 to continue the hearing upon Defendants' Motion to August 29, 2008 at 9:00 a.m., in furtherance
14 of Vaghar and the Defendants ongoing settlement negotiations;

15 WHEREAS the Parties have been actively conferring with one another over the
16 past several weeks regarding settlement of this Action;

17 WHEREAS Vaghar and the Defendants have signed a term sheet outlining all
18 material aspects of an anticipated settlement of this Action;

19 WHEREAS attorneys for Vaghar are currently drafting the final settlement
20 agreement in this Action;

21 WHEREAS Vaghar and the Defendants anticipate a final settlement agreement in
22 this Action will be signed by all Parties within the next 14 days;

23 WHEREAS Vaghar and the Defendants have come to an agreement that the best
24 interests of the Parties and this Court would be served by continuing the hearing on Defendants'
25 Motion for approximately 3 weeks so that the Parties may finalize the settlement of this Action;

1 IT IS HEREBY STIPULATED THAT:

2 The Hearing upon Defendants' Motion, currently set for Friday August 29, 2008 at
3 9:00 a.m. shall be continued until September 19, 2008 at 9:00 a.m.

4 IT IS SO STIPULATED.

5 Attorneys for Plaintiff

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~~PROPOSED~~ ORDER

The Hearing upon Defendants' Motion, currently set for Friday August 29, 2008 at 9:00 a.m. shall be continued until September 19, 2008 at 9:00 a.m.

Dated: August 27, 2008


Honorable Maxine M. Chesney